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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227644
Party	Plaintiff Icon DE Holdings LLC
Correspondence Address	THEODORE R REMAKLUS WOOD HERRON & EVANS LLP 441 VINE STREET2700 CAREW TOWER CINCINNATI, OH 45202 UNITED STATES tremaklus@whe-law.com
Submission	Motion for Default Judgment
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Date	06/17/2016
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Icon DE Holdings LLC,)	Opposition No. 91227644
)	
Opposer,)	
)	Application No. 86/726,110
v.)	Published: January 12, 2016
)	
Cherrykat Limited,)	
)	
Applicant.)	
_____)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Opposer Icon DE Holdings LLC ("Icon DE") moves the Board pursuant to 37 C.F.R. §2.114(a) for entry of default judgment on the grounds that Applicant, Cherrykat Limited, has failed to file an answer within the time set by the Board. In support of its Motion, Icon DE states:

1. On April 26, 2016, Icon DE filed a Notice of Opposition to U.S. Application No. 86/726,110 for the mark CURL CANDIES for use with "Cosmetic preparations for the hair and scalp; Cosmetics; Essential oils; Hair conditioners; Hair creams; Hair gel; Hair lotions; Hair oils; Hair rinses; Perfumery; Shampoos; Hair moisturizers" in International Class 3 (hereinafter "the '110 Application"). The Opposition was filed on the basis of likelihood of confusion with Icon DE's family of CANDIE'S marks.

2. The undersigned sent on April 26, 2016 by first class mail/airmail a copy of the Notice of Opposition to Applicant at the address of record with the USPTO.

3. On May 3, 2016, the Board set June 12, 2016 as the deadline for Applicant to file an answer to the Notice of Opposition.

4. As of the date of this Motion for Entry of Default Judgment, or June 17, 2016, Applicant has neither filed an answer to the Notice of Opposition nor requested an extension of time to file such an answer.

5. "[T]he standard for determining whether a default judgment should be entered against the defendant, for its failure to file a timely answer to the complaint, is the Fed. R. Civ. P. 55(c) standard, which requires that the defendant show good cause why default judgment should not be entered against it." TTAB Manual of Procedure § 508.

6. Because Applicant has failed to file an answer to the Notice of Opposition within the time permitted, default judgment should be granted to Icon DE and an order sustaining the opposition to the '110 Application.

WHEREFORE, Icon DE Holdings LLC respectfully requests that its Motion for Entry of Default Judgment be granted.

Respectfully submitted,

Icon DE Holdings LLC

Date: June 17, 2016

By: /s/ Theodore R. Remaklus
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Attorneys for Opposer
Icon DE Holdings LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion for Entry of Default Judgment** has been served by airmail upon Applicant on this 17th day of June, 2016, on the following address:

Cherrykat Limited
59 Chesterton Road
London, United Kingdom E13 8BD

/s/ Theodore R. Remaklus
Theodore R. Remaklus

Attorney for Opposer
Icon DE Holdings LLC